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8 UNITED STATES DISTRICT COURT

9 NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

10 DEWAYNE CARTER, et al., on behalf of
11 themselves and all those similarly situated;

12 Plaintiffs,

13 vs.

14 NATIONAL COLLEGIATE ATHLETEC
15 ASSOCIATION; et al.;

16 Defendants.

CASE NO. 23-cv-6325

CLASS ACTION

**[PROPOSED] ORDER GRANTING MOTION TO
INTERVENE AND TO TRANSFER, DISMISS, OR
CONTINUE THE STAY PURSUANT TO THE
FIRST-TO-FILE RULE**

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28 NO. 23-cv-6325

1 The Court, having considered the Motion to Intervene and to Transfer, Dismiss, or Continue
2 the Stay Pursuant to the First-To-File Rule filed by Alex Fontenot and Mya Hollingshed, hereby
3 orders that the motion is GRANTED.

4 The Court finds that the factors used to consider a motion to intervene for the limited
5 purpose of moving to transfer have been met: the intervention is timely, there is commonality, and
6 there is no prejudice to any party.

7 The Court also finds that all the factors considered under the first-to-file rule have been met.
8 To promote “judicial efficiency, consistency, and comity,” the first-to-file rule “should not be
9 disregarded lightly.” *Kohn Law Grp., Inc. v. Auto Parts Mfg. Mississippi, Inc.*, 787 F.3d 1237, 1240 (9th Cir.
10 2015). The Court therefore transfers this action to the District of Colorado.

11 IT IS SO ORDERED.

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13 DATED:

HONORABLE RICHARD SEEBORG